



PATENT
Docket No. 146712000400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Qixu (David) CHEN et al.

Serial No.: 09/559,347

Filing Date: April 27, 2000

For: MEDIUM WITH NiNb SEALING
LAYER

Examiner: K. Bernatz

Group Art Unit: 1773

DECLARATION UNDER 37 CFR 1.131

Commissioner for Patents
Washington, D.C. 20231

Sir:

Qixu Chen declares under penalty of perjury under the laws of the United States of America as follows:

1. I received a Master of Science Degree from University of Minnesota in July 1994. I entered employment with Seagate Technology Inc., the original assignee of this application, in 1994 and have been engaged since then mainly in research relating to magnetic recording media. I am now a Senior Staff Engineer at Seagate Technology LLC. I am very familiar with the art relating to magnetic recording media. I am an inventor on this application and I have reviewed the Actions of March 28, 2001, and September 20, 2001.

2. I am familiar with the subject matter and claims of the present application.

RECEIVED
NOV 05 2001
TC 1700

3. Attached in Exhibit 1 is a copy of the laboratory data of the XRD curve shown in Figure 3 of the application. The date on which the XRD curve of Exhibit 1 was generated is shown above the plot as "98/12/14," which predates the January 28, 1999, filing date of application Serial No. 09/239,459 which was issued as U.S. Patent No. 6,143,375 (Ross '375).

4. Note that the scales of the Y-axis on the plots of Exhibit 1 and Figure 3 of the application are different. This is because the Y-axis of Figure 3 was re-scaled to "arbitrary units" as stated on Figure 3, while the scale on the plot of Exhibit 1 was not. However, the XRD curves in Exhibit 1 and Figure 3 of the application are from identical disc sample and for the same measurement. The plot shown in Exhibit 1 shows the raw data obtained by the XRD machine from Scintag. The plot of Exhibit 1 was prepared using the software and printer attached to the XRD machine. The raw data acquired by the XRD machine was transferred to a Microsoft Excel file and then graphed as Figure 3 of the application.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed at Fremont, California, United States of America, this 10 day of October, 2001.



Qixu Chen

FN: X1611C42.RD ID: X1611-C4-2A 95X31.5 GLASS HOYA SUBST SCINTAG/USA
 DATE: 98/12/14 TIME: 18:25 PT: 9.000 STEE: 0.030 WL: 1.54060

